PRESERVED

App. F. IX-4

Previous References
L.R. 576-38(1-4)

1939.
( )
Courts

File No. 181-39
Serial Nos. 1-2

Later References.
Cls Dep 34/42
Courts 22-43 (11,12,42+43)
Cls. 54-45 (1-4.)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two only

PRESERVED

Part B for February 1940

SUBJECT.

Empowering the Assistant Commissioner of Bhadravati to take Cognizance of and try Cases of all sorts arising in Bhadravati Town.

No. P. 5937 & 29-2-40 to the Compiler, Mysore Gazette.
Notifying the investiture of Judicial powers to the Asst. Comr. in charge of Channagiri Sub Div.

WD 0575—GPB—22,500—12-9-39

B.B. Shankaran
5. 3. 1940.

Serial No.

The High Court propose to empower the Asst Commissioner Bhadravati to take Cognizance of and try Cases of all Sorts arising in Bhadravati Town as a First Class Magistrate with Summary powers. From this it is assumed that it is the intention of the High Court that the Asst Com^r Stationed at Bhadravati Should be appointed a First Class Magistrate and invested with Summary powers.

It is also submitted that it is seen from the G.O. of 25.7.1939 Constituting a Revenue Sub-Division of Bhadravati, that an Asst Com^r has been Stationed at Bhadravati whose functions are to be the President of old Town Municipal Council and President or Vice President of the New Town Board.

NOTE-Contn. Sheet.

Appointment of Sub Division Officer Bhadravati as a Magistrate

File No. 5512 of 19

General and Revenue Secretariat.

Serial No.

He has also been appointed as Revenue Sub-Division Officer of the Channagiri Taluk also. While posting an Officer to the newly Constituted Sub Division, the name of this Sub Division has been mentioned as Channagiri Sub-Division. From this it is assumed that the Asst Comr Stationed at Bhadravati is styled as Sub Division Officer Channagiri Sub Division.

Flag N
(Notn of 21 Feb 1940)

OFFICE OF THE FIRST MEMBER OF BOARD
FEB 27 1940
No 8233

A draft of a Notification based on the above order, is put up for approval or other orders

For approval
DRKV 26/2

6023
26/2

24/2
26
Law Secy)
I Member)

Hm 2
27/2/40
DRKV 27/2

Nil
28/2/40

Hm 2
28/2/40

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REVENUE SECTION
FEB 1940
SECTT.

The Compiler N. C.
The Registrar High Court
The Revenue Commissioner

General and Revenue Secretariat. | File No. | of 19 | [A pp. F. III-2

Serial No.

B

The District Magistrate, Shim
No P 5937 d 29.2.40
No P 5938-40 d 29.2.40

Notifies that the Asst Commissioner in charge of the Chamagiri Sub Divn is appointed as a Magistrate of the First class with certain additional powers

NOTE-Contn. Sheet.

5512-39
P 89

R. O. C. D. Dis. No. 961/3940

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 20th February 1940.

CL 181-39-1

T. Shamiengar, Esq., B.A., B.L.,
~~Sundararaja Rao, Esq., B.A., B.L.,~~
~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore.

To H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to Government,
Law Department, Bangalore.

SIR,

I am directed to state that the District Magistrate of Shimoga brought to the notice of the Chief Justice during his recent visit to Shimoga that it is necessary that in the growing industrial town of Bhadravati there should be a Magistrate on the spot to try local cases. It is learnt that many town cases are not charge-sheeted because it would be troublesome and oppressive to require accused persons and witnesses to go to Shimoga. And this applies not only to Police cases.

Bhadravati, though a growing town, is not big enough to require a full-time Magistrate. Nor does the district as a whole require an additional full-time Magistrate. The needs of Bhadravati could be met by making the Bhadravati Assistant Commissioner a Special Magistrate for the town.

Although the Judges have no intention of upsetting the general system in the State, by which executive officers are not trying Magistrates, they consider that there are special circumstances in Bhadravati Town which justify a departure from the general rule in this instance. A local Magistrate who can take cognizance of and try local cases is required. It would be wasteful to appoint a full-time Magistrate for what could be only part-time work. There is an officer on the spot who spends almost all his time in Bhadravati and never moves beyond the Chennagiri Taluk, and he could do the work, for which he has plenty of time, with convenience and benefit to the public. The practical way of dealing with the exceptional situation appears to the

Judges

Judges to be to empower the Assistant Commissioner of Bhadravati to take cognizance of and try cases of all sorts arising in Bhadravati Town as a First Class Magistrate with summary powers.

I am to request that the Government may be pleased to empower the Assistant Commissioner of Bhadravati accordingly.

I have the honour to be,

Sir,

Your most obedient servant,

T. Shamiah

Registrar.

No. P5937 dt 18-1-39-2 3
dt 29-2-40.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Notification

Under Sections 14 and 39 of the Code of Criminal Procedure, 1904, the Asst Commissioner in Charge of the Channagiri Sub-Division is by Virtue of his Office appointed a Magistrate of the First Class and invested with all the additional powers Specified in Schedule IV as powers with which a magistrate of the first Class may be invested by Govt except the following powers:-

(1) Power to hear appeals from Convictions by magistrates of the Second and third

WD 0282—GPB—22,500—14-3-38

Classes (Section 407)

(2) Power to try Cases of Sedition under Section 124-A of the Indian Penal Code.

He will exercise jurisdiction over all Classes of Cases arising in ~~the~~ Bhadravati Town.

By Order

27/2/40

Secretary to Govt
Law Dept

To

The Compiler Mysore Gazette
for publication

No. PS 938-40 & 29.2.40

Copy to (1) The Registrar High Court
(2) The Revenue Com'r
(3) The D.C. Shimoga

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. PS937 ...
CS-181-39-2

General and Revenue Secretariat,

Dated Bangalore 29th February 1940

NOTIFICATION.

Under section 14 and 16 of the Code of Criminal Procedure, 1904, the subordinate Magistrates in charge of the Shemoga Sub-division at present by virtue of their offices Magistrates of the first class and invested with the additional powers conferred in clause (1) of section 30 of the said Code, certificates of the first class may be invested by Government with the following powers:-

(1) power to hear appeals from convictions by Magistrates of the second class (Section 407).

(2) power to try cases of rioting under section 147 of the Indian Penal Code.

(3) power to try cases of theft, extortion, mischief or criminal trespass, in which the value of the property involved does not exceed Rs. 1,000.

By order,

[signature]

for Secretary to Government,
General and Revenue Secretariat.

Ks

To the Registrar, Judicial Department, for information.